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8 IN THE UNITED STATES DISTRICT COURT FOR THE
 9 EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,)	1:09-CV-01830-OWW-SMS
12 Plaintiff,)	FINAL JUDGMENT OF FORFEITURE
13 v.)	
14 APPROXIMATELY \$111,300.00 IN U.S.)	
CURRENCY,)	
15 Defendant.)	
16)	

17 Pursuant to the Stipulation for Final Judgment of Forfeiture filed herein, the Court finds:

18 1. This is a civil forfeiture action against defendant approximately \$111,300.00 in U.S.
 19 Currency (hereafter “defendant currency”).

20 2. An Amended Verified Complaint for Forfeiture *In Rem* was filed on October 21,
 21 2009, seeking the forfeiture of the defendant currency, alleging said currency is subject to forfeiture
 22 to the United States of America pursuant to 21 U.S.C. § 881(a)(6) because the defendant currency
 23 constitutes moneys or other things of value furnished or intended to be furnished in exchange for a
 24 controlled substance or listed chemical, all proceeds traceable to such an exchange and/or was used
 25 or intended to be used to facilitate one or more violations of 21 U.S.C. § 841 *et seq.*

26 3. On October 22, 2009, in accordance with said Complaint, a Warrant for Arrest of
 27 Articles *In Rem* for the defendant currency was issued and duly executed on November 4, 2009.

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1 4. Notice of the civil forfeiture was posted on the official government internet site
2 www.forfeiture.gov for at least 30 consecutive days, beginning on November 11, 2009, pursuant to
3 the Order of Publication filed November 10, 2009.

4 5. In addition to the publication of the forfeiture action, actual notice was personally
5 served upon Claimants. On November 25, 2009, Claimants filed an Answer in this action. To date,
6 no other parties have filed claims or answers in this matter, and the time for which any other person
7 or entity may file a claim and answer has expired.

8 6. Claimants Florentino Gutierrez, Angela De Gutierrez, American Superior Used
9 Clothing, and ADCO Recyclers Inc. represent and warrant that they are the sole owners of the
10 defendant currency.

11 Based on the above findings, and the files and records of the Court, it is hereby

12 ORDERED AND ADJUDGED:

13 1. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by and
14 between the parties to this action.

15 2. Judgment is hereby entered against Florentino Gutierrez, Angela De Gutierrez,
16 American Superior Used Clothing, and ADCO Recyclers, Inc., and all other potential claimants who
17 have not filed claims in this action.

18 3. Upon entry of a Final Judgment of Forfeiture, \$103,800.00 of the defendant
19 approximately \$111,300.00 in U.S. Currency, together with any interest that may have accrued on
20 the full amount, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be
21 disposed of according to law.

22 4. Within 45 days of entry of a Final Judgment of Forfeiture, \$7,500.00 of the defendant
23 approximately \$111,300.00 in U.S. Currency shall be returned to Claimants through their attorney
24 William C. Fleming at 255 South Marengo Avenue, Pasadena, California 91101-2719.

25 5. Plaintiff United States of America and its servants, agents, and employees, and all
26 other public entities, their servants, agents, and employees, are released from any and all liability
27 arising out of or in any way connected with the arrest, seizure, or forfeiture of the defendant
28 currency. This is a full and final release applying to all unknown and unanticipated injuries, and/or

1 damages arising out of said arrest, seizure, or forfeiture, as well as to those now known or disclosed.

2 The parties waive the provisions of California Civil Code § 1542.

3 6. There was reasonable cause for the seizure and arrest of the defendant currency, and
4 the Court may enter a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465.

5 7. All parties shall bear their own costs and attorneys' fees.

6 SO ORDERED THIS 5th day of November, 2010.

7
8 /s/ OLIVER W. WANGER
9 United States District Judge

10 CERTIFICATE OF REASONABLE CAUSE

11 Based upon the allegations set forth in the Amended Complaint for Forfeiture *In Rem* filed
12 October 21, 2009, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters
13 this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause
14 for the seizure and arrest of the defendant currency.
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16 Dated: November 5, 2010

17 /s/ OLIVER W. WANGER
18 United States District Judge